



August 10, 1999

Mr. Mark E. Collier
Planner/Contract Manager
Workforce Development Board of Central Texas
P.O. Box 450
Belton, Texas 76513-0450

OR99-2239

Dear Mr. Collier:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126486.

The Workforce Development Board of Central Texas (the "board") received an open records request for "all pricing, models bid and original proposals from all bidders" for a contract to purchase various furniture items. You inquire whether the requested records are excepted from required public disclosure pursuant to section 552.104 of the Government Code.

Section 552.104 of the Government Code protects from required public disclosure "information that, if released, would give advantage to a competitor or bidder." The purpose of section 552.104 is to protect the government's interests when it is involved in commercial transactions. For example, section 552.104 is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See, e.g.,* Open Records Decision No. 463 (1987). In these situations, the exception protects the government's interests in obtaining the most favorable proposal terms possible by denying access to proposals prior to the award of a contract. Section 552.104 does not, however, except bids or proposals from disclosure once the bidding is over and the contract is in effect. Open Records Decision Nos. 306 (1982), 184 (1978). You have informed us that the board has awarded the contract to one of the competitors; consequently, we conclude that section 552.104 is inapplicable in this instance.

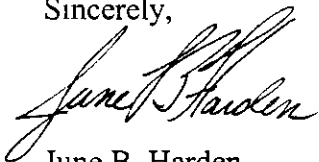
Because you sought an open records decision from this office pursuant to section 552.305 of the Government Code, this office notified representatives of Perry Office Plus, Wilton's Office Works, and Ideal Office Supply that we received your request for an open records decision regarding their lease agreement. In our letter to these companies, this office

requested an explanation as to why portions of their respective proposals were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information.

More than fourteen days have elapsed since this office issued its notice, but none of the companies have provided this office with any explanation as to why the requested documents should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. *See* Open Records Decision No. 552 (1990). Therefore, the board must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/nc

Ref.: ID# 126486

Encl. Submitted documents

cc: Mr. James R. Rodgers
Loop Office Furniture & Supply
P.O. Box 3604
Temple, Texas 76505-3604
(w/o enclosures)